

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Antonie Neubauer, et al) Confirm. No.: 5659
Serial No.: 10/624,149) Art Unit: 1648
Filed: July 21, 2003) Examiner: Ali Reza Salimi
For: gM-NEGATIVE EHV-MUTANTS WITHOUT HETEROLOGOUS
 ELEMENTS
Docket No.: 1/1372

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MISCELLANEOUS INCOMING LETTER

Sir:

The undersigned respectfully requests a correction of a Response to an Office Advisory that was electronically filed on May 30, 2006 in answer to a communication from the Examiner in charge of the subject application, which communication was mailed on May 5, 2006. At the time of electronically filing the Response, Applicant inadvertently categorized the Response as an: "**Amendment - After Non-Final Rejection**" and should have been categorized as: -- **Amendment - After Final** --. Please note that Applicant's Response of May 30, 2006 was filed in response to an Advisory Action dated May 5, 2006.

Attached is a copy of the Applicant's Response dated May 30, 2006 to the May 5, 2006 Advisory Action.

If it is determined that any fee is due under 37 C.F.R. §§ 1.16 or 1.17, the Commissioner is hereby authorized to charge such fees to Deposit Account 02-2955.

Respectfully submitted,

/Paula K. Wittmayer/
Attorney for Applicant(s)
Reg. No. 53,785

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel.: (203) 791-6692
Dated: June 1, 2006

COPY

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RESPONSE

Sir:

This is in response to a communication from the Examiner in charge of the subject application, which communication was mailed on May 5, 2006. This response is timely filed. However, if it is determined that an extension of time under 37 C.F.R. § 1.136 is necessary, Applicants hereby petition for the necessary extension. Furthermore, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this amendment, the Commissioner is, hereby, authorized to charge such fees to Deposit Account No. 02-2955.

Amendments to the Claims are reflected in the listing of claims which begins on page two (2) of this paper.

Remarks/Arguments begin on page three (3) of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. - 11. (canceled)
12. (previously amended): A recombinant Equine Herpes Virus-1 (EHV-1) wherein the protein gM is absent, wherein said EHV-1 is free of heterologous elements, and wherein said EHV-1 is RacH-based recombinant variant isolate HΔgM-w as deposited at the ECACC/CAMR on October 16, 2002 with the accession number 02101663.
13. - 36. (canceled)

Application No. 10/624,149
Amendment Dated May 30, 2006
Reply to Office action of May 5, 2006

REMARKS/ARGUMENTS

In response to the communication mailed May 5, 2006, please cancel claim 3 and claims 13-36.

In view of the foregoing, it is respectfully submitted that the subject application is in condition for allowance and such favorable action at an early date is earnestly solicited.

Respectfully submitted,

/Paula K. Wittmayer/

Paula K. Wittmayer
Attorney for Applicant(s)
Reg. No. 53,785

Patent Department
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900 Ridgebury Road
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Dated: May 30, 2006

Electronic Acknowledgement Receipt

EFS ID:	1060896
Application Number:	10624149
Confirmation Number:	5659
Title of Invention:	gM-negative EHV-mutants without heterologous elements
First Named Inventor:	Antonie Neubauer
Customer Number:	28501
Filer:	Paula Wittmayer/Susan Wasilko
Filer Authorized By:	Paula Wittmayer
Attorney Docket Number:	1/1372
Receipt Date:	30-MAY-2006
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1		1-1372-2006-05-30-Response.pdf	89115	yes	3

multipart description

Doc Desc	Start	End
Amendment - After Non-Final Rejection	1	1
Claims	2	2
Applicant Arguments/Remarks Made in an Amendment	3	3

Warnings:

Information:

Total Files Size (in bytes):

89115

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.